(ii) Twenty-seventh Report of the Committee on "The Taxation Laws (Amendment) Bill, 2006"

MESSAGE FROM LOK SABHA

The Disaster Management Bill, 2005

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

> "In accordance with the provisions of rule 120 of the Rules of Procedrue and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 12th December, 2005, agreed without any amendment to the Disaster Management Bill, 2005, which was passed by Rajya Sabha at its sitting held on the 28th November, 2005."

GOVERNMENT BILLS

The Criminal Law (Amendment) Bill, 2003

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): The Criminal Law (Amendment) Bill is of a technical nature. Lawyers are in a position to express their views on the clauses of the Bill with confidence and skill, and others are in a position to speak about their impact on the number of cases; on the complainant, the accused and the people at large. All the Members who spoke have made great contributions. While making their own points, they have replied to the points made by other Members and have made my task easier. They have, by and large, supported the Bill. But, at the same time, they have found fault with some of its provisions. When a law is made, interest of different parties are to be balanced. Law is not a panacea. It can help, but it cannot solve all problems. It can reduce severity of the problem. It depends on the basic and unchanging principles as well as upon the situation of the time in which it has to be enforced.

[MR. DEPUTY CHAIRMAN in the Chair]

So, there are certain parts of it which need not change and remained unaltered for centuries, and are unalterable also. There are other parts which have to be altered and modified to suit the demands of the changing

times. That is why, the Indian Penal Code, the Indian Evidence Act; the Criminal Procedure Code are very good pieces of law which have elements unalterable and also alterable, a mix of the two. According to some Members, they should not be tinkered with. According to others, they need be amended to suit the situations in the present times, and, to some extent, future times also. I am of the view that the basic principles on which they are built remain constant, but their outer form and other provisions can be changed, if need be, altered. We are trying to do the same thing here. We are not changing them lock, stock and barrel. We are amending some of the provisions contained in them to make them suitable to the present times. The Bill was introduced in Rajya Sabha by the previous Government. It was framed in accordance with the reports given by the Law Commission and the Commission appointed under the chairmanship of Justice Shri Malimath. On the Reports given by these Commissions, different views were expressed, some rejecting the reports, some accepting them, some rejecting some of their recommendations and accepting others. What happened to these reports, generally, happened to other reports also. It is not very easy to have comments which are only favourable. It is like our lives, our parties and our fates. The Bill was referred to the Standing Committee. It gave many recommendations, some of which have been accepted and others have been rejected by the present Government. The Bill was commented upon by the Members of political organisations and groups of ladies. On the basis of the recommendations and also to respect the views of independent organisations, the amendments to the Bill have been introduced, as suggested. In the process, many of the clauses of the Bill are likely to get deleted and some clauses are likely to get altered. We have not accepted the Bill in toto, as it was introduced. We have not rejected the Bill just because it was introduced by the previous Government. We have taken this stand to make it acceptable and capable to help in doing justice in a better manner. We are not prejudiced against or enamoured of the Bill. We have tried to be correct and objective. On many occasions, suggestions have been advanced to bring about changes in the criminal laws and to refine the judicial system to help in proper, speedy and effective investigation and disposal of cases. The time taken to achieve these objectives has also been quite long and inordinate. Delays in making laws or amending the existing laws, delays in investigations, delays in deciding the cases in the courts, delays in

helping the accused are not good and acceptable. So, to avoid delays, we have taken steps to amend the existing laws even through phases. It is for these reasons that amendments to the Bill need to be passed and approved by the House.

Sir, Clause 2 provides for punishment, which can be imposed on a person who induces or threatens another person to give false evidence. Sir, this portion has to be examined a little carefully. It does not provide for a punishment, which can be awarded to a witness who gives false evidence. There is somebody who is inducing the witness; the witness who gives false evidence could not be punished, but the person who was inducing the witness to give false evidence could not be punished. This penal provision provides for that. There are other provisions in the law under which the witness himself can be punished. This distinction should be understood in clear terms.

What is given in Clause 2 is a new penal provision. It provides for a punishment, which can extend up to seven years, or fine, or fine with imprisonment. The Standing Committee has suggested that the punishment given under this clause should be more stringent. If an accused is convicted for life because of the false evidence given by a witness under threat or inducement by any other person, that other person should be given the same punishment of life imprisonment if it is proved, maybe in appeal, that the evidence given by the witness was a cooked-up piece of testimony given at the instance of the other person.

In the trial court, the occasion to use the provision in Clause 2 of the Bill may, or may not, arise. It may arise in the court of appeal also. It is wrong to ridicule the suggestion given by the Standing Committee and hence, it has been tried to be incorporated in Clause 2 of the Bill.

Shri Ram Jethmalani, who poked fun at this provision, is a lawyer who defends the accused and is a very kind hearted person, who does not want even the accused and guilty to suffer enormously. Hence, it seems that he objects to the amendment suggested to Clause 2 and feels uncomfortable with the new proposal. I leave this matter to the House to decide appropriately as per the original Bill, or to accept the recommendations of the Standing Committee.

Sir, this amendment to the amending Bill that is coming here, says that if a person is convicted of false evidence given by a witness, induced

or threatened to give the evidence, he should also be awarded the same punishment, which was awarded to the innocent person by the court because of the false evidence. Now, this was suggested by the Standing Committee. We respected the recommendations of the Standing Committee. We have come out with an amendment to the amending Bill to bring about this change. But, Shri Jethmalani was finding fault with it and was asking when it could be done.

Now, if a person is convicted, how can you say that he was innocent? But a person's case can go to the trial court. In the trial court, the case could be tried by the judge and the judgement can be pronounced by him. But the matter does not stop or end there. It goes to the higher court of appeal. If it is a judgement given by the Sessions Court, it can certainly go to the High Court. And, from High Court, there is second appeal to the Supreme Court, and in many cases, the High Courts and the Supreme Court have altered the judgements given by the Sessions Court saying that "the accused was wrongly convicted and the accused was innocent." The Judges have also said that because of the evidence given by a witness, this could happen and the Judges could also come to the conclusion that that witness was induced or threatened and so he gave the evidence and so the person was convicted like that. Sir, that is why, this kind of amendment to the Amendment Bill has been introduced and it should not be laughed at.

Clauses 3, 4 and 5 relate to the recording of the statement by the police and the judicial or Metropolitan Magistrate and the signatures to be put by the witness on the statement made by him and the statements made by him in the presence of the Judicial authority on oath and to forwarding of the copies of the statement to the Court trying the case and giving the copies of the same to the witnesses in serious matter. The original Bill provides that the statement of the witness may be signed by the witness. As the law stands today, the statement recorded by the police has not to be signed by the witness. But, then, it was suggested that let the statement be signed by the witness and let a copy of the same be given to the witness so that there is no opportunity available to the police officers to alter the statement made by the witness to suit the case or to suit the design of the police or the prosecutor and that is why, it was suggested that the statement given by the police should be signed. But, when this matter was taken to the Standing Committee, I think, the

Standing Committee did not accept the recommendations given by the Law Commission and the Commission appointed under the Chairmanship of Justice Malimath; and so, the Standing Committee suggested that it is not necessary to obtain the signature of the witness on the statement made by him to the police. Now, these clauses also suggest that in serious cases in which the death punishment can be awarded or the life punishment can be awarded or a punishment of more than seven years can be awarded, it was suggested that the witness should be material witness. He should be taken to the Court, to the Judge and the Judge should record his statement on oath. It is not allowed; it is not expected to be done under the existing law, but the reports of the Commission suggested that, and the previous Government had accepted those recommendations and they had introduced those kinds of amendments. They were trying to introduce those kinds of amemdments to the Criminal Procedure Code. But, when the matter was taken to the Standing Committee, the hon. Members of the Standing Committee did not accept these provisions. Now, they said that let the law continue as it is and that is why, clauses 3, 4 and 5 have to be deleted. Now, the Standing Committee suggested that let the law continue as it is and let not the amendment suggested in the amending Bill be introduced in the Criminal Procedure Code; and the Government has accepted the suggestions given by the Standing Committee and we are not pressing to see that the statements given by the witnesses are signed by them or the statements are recorded on oath before the Magistrate because enough number of Magistrates could not be available for this purpose.

Sir, clause 6 has not been commented upon and has been approved by the hon. Members and I need not say anything more on this clause.

On the plea bargaining, almost all hon. Members spoke, have expressed their views. Most of them have supported it. Only a few have spoken against it. Some of them have spoken against only one or two aspects of it, and, however, it has received the support of the majority of the participants, and, I think it may obtain the handsome support of the entire House as such.

Mr. Jethmalani said that in USA and UK, even in serious cases, the plea-bargaining is allowed. Even in murder case, even in a case in which death sentence can be passed or life imprisonment can be passed, or, ten years imprisonment can be given, the plea-bargaining is allowed.

He was sceptical of the ability of the prosecutor, the defence lawyer and the Judge to handle it, as it should be done. My assessment is that he was not opposed to the idea of plea-bargaining as such. I assessed very carefully as to what he said, and, I think, he was not opposed to the idea. He was asking that it should be available to the parties even in serious matters in which serious sentence of imprisonment for more than seven years life or death can be awarded, as it is done in USA and UK. If we find it difficult to rely upon parties and judges in less serious matters, should we take the risk of subjecting the serious cases to the concept of plea-bargaining? That is really the question that we have to decide. I think, what we have done is not incorrect. Plea-bargaining is not available in serious matters, in cases in which women, children and juvenile offenders are involved, and, in my opinion, that is the correct stance to adopt.

Some Members complained that the concept is western and it need not have been adopted. Some others objected to it on the ground that it would help the well to do and affect the disadvantaged and the poor. Many Members thought that Clause 265 (f) about which Mr. Vayalar Ravi and other spoke, would give extra benefit to the criminals trying to contest elections, as the provision was of expiatory nature. Mr. Narayanasamy also spoke on that. Some Members were of the view that the innovations and the modifications in laws do create problems for the weaker sections of the society and do not help them as much as they help the rich. I think, Mr. Naik was saying this thing. Some of these objections have been responded to by other Members who spoke in favour of plea-bargaining.

Sir, knowledge and ideas are common heritage of mankind. Indian philosophy welcomes them from all parts of the world, whether they come from the west or the east, or, from the north or the south. If they are useful, there is no wisdom in not adopting and using them. In India also, in the past, even before the advent of British jurisprudence in the country, the perpetrator of the crime was ordered to compensate the loss of the victims by serving under him or by giving his cattle or some money to the aggrieved party. Now, this is provided in the ancient as well as the medieval jurisprudence that was followed in India. Even the existing criminal law allows simple cases to be compounded and some more serious to be compounded with the consent of the Judge. It does not allow very serious cases to be compounded for the reason that they affect not only the

victim but also the entire society and the people as a whole. When the victim is poor and the accused is punished, and the victim is not given the compensation, what is done is not a very satisfactory justice. If a rich man is a victim, he may not need any compensation at all. For him, the punishment inflicted upon the offender is sufficient satisfaction. But, there are many in the society who suffer a great deal, if their houses are burnt, if their limbs are broken, or, if their near and dear ones are killed. They suffer because of the crime committed against them for years, sometime, throughout their lives. That is why, in recent times, the concept of providing compensation to the victim through court, through trust, through the Government, or, through the society as a whole, is slowly getting accepted. Under plea-bargaining, something of the concept would become a reality, and, in cases, which are not of simple nature, which are of grave character, but not of very grave character, compensation would be given. This aspect of plea-bargaining is of great value. It should not be poked fun at and under-valued in the name of Western and advanced countries, or, in the name of the poor, or, on the pretext that we are not capable of using it properly. All new concepts or systems are dreaded by persons who prefer the beaten track. There is no point in trying to be static and not adventuring into new areas of thinking and activities. Let us experiment with it. Our hands are not bound to disallow making changes, if required. On the basis of our experience, we may refine the system later on. It is also going to reduce the burden of pendency of criminal cases in the court. The judge can decide if the plea of bargaining is resorted to with *mala fide* intention or *bona fide* intention. If he comes to the conclusion that it is done with ill-conceived intentions, he can proceed with the case in a regular manner and do the desired justice. If we can rely upon him to do justice when he follows the regular procedure, we can certainly depend upon him in cases of plea-bargaining. The Bill was seen by the Prime Minister. He has suggested through his office that if the plea-bargaining was not allowed by the judge, the applications and the affidavits filed by the accused should not be allowed to be used against him and a provision to this effect may be provided in the law. We are moving an amendment to the Bill to include this kind of a provision in the law. I think, this is a very salutary provision and should be welcomed. It was apprehended, Sir, that if the accused gave an application and affidavit, admitting that he had committed the guilt and if that plea of his was not accepted by the court, what will happen to him? Would the application and the affidavit

be used by the court against him? That was the kind of apprehension expressed. By amending the law, we are trying to provide that if the application and the affidavit are given, and, if they are not accepted by the court, then, that affidavit and that application shall not be used as a piece of evidence against the accused person to convict him. That is specifically provided in the law and that will help.

SHRI VAYALAR RAVI (Kerala): Does it stand by the test before the court? Because, once a person admits that he is guilty, how can we say that we cannot take it as an evidence? ...*(Interruptions)*...

SHRI N.K. PREMACHANDRAN (Kerala): By means of an affidavit ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: After the reply, you can seek clarifications.

SHRI SHIVRAJ V. PATIL: I will reply. ...*(Interruptions)*... I will complete it. Sir, one of the provisions to which the objection was raised by many hon. Members in the House related to expiatory nature, expiatory character, which was awarded to the accused. If, under the plea-bargaining provisions of the law, a person is convicted, it is provided in 265F that he would not be put under any disability as such.

Now, to this, many hon. Members objected, and, I think, their objection was very valid. The Government is accepting their objection and going to delete it from the law.

Now, there is Section 498A, which provides for punishment that can be awarded to a husband or his relatives for the cruelty perpetrated against a women in the family. This law was adopted in 1983 and was made quite stringent by declaring that the offence so perpetrated would be non-bailable and non-compoundable. The Bill seeks to make the said offence bailable and compoundable in the name of creating goodwill and not disturbing the family. Many hon. Members have objected to the changes tried to be made, the Gvoernment does not want to bring about any change in this respect also and wants to delete the amending provision from the Bill. I am also accepting this change suggested by the hon. Members and the advice given by the hon. Members in this respect.

On other provisions, it is not necessary for me to comment, for they are acceptable to hon. Members. There are two other provisions regarding

whether a currency note is fake or a coin is fake, only the experts from Nasik were allowed to comment on it. Now, we are increasing the ambit of the experts for coming forth and giving help in these matters. Sir, these are some of the salient features of the law. I have tried to respond to the points, which have been raised by hon. Members. If any doubts are there in the minds of hon. members on this, I shall be very happy to respond. Thank you.

SHRI N. JOTHI (Tamil Nadu): Sir, the hon. Minister may clarify this. When an affidavit is filed by an accused for plea-bargaining, it is subject to the discretion of the Magistrate only. It can be accepted or it cannot be accepted. Mr. Vayalar Ravi and several other hon. Members have also pointed it out. In such a case, what will happen to the affidavit and the petition filed by the person? It will be there on record of the court. It will be used either in the same proceedings against him to prove the guilt by the prosecutor or in any other collateral proceedings it can be used by applying a certified copy, because it then becomes a court property. Under the *Kar Vivad Samadhan Scheme,* total immunity is given; it cannot be used anywhere. Like that, whether there would be a corresponding provision to indicate that the application filed for plea bargaining shall not be used anywhere, for any proceedings, either same proceedings or collateral proceedings or by anybody in any place. There should be some codification to that extent. Or it should be returned back to the party without any copy being taken by anybody. Sir, we need clarification on this.

DR. BIMAL JALAN (Nominated): Mr. Deputy Chairman, Sir, I thank you for having given me this opportunity. It was a very masterful presentation by the hon. Home Minister. I very much appreciate the open manner in which he has dealt with various suggestions made here. I am not a lawyer; I don't understand all the legal aspects. But on clause 2, one question occurred to me when I was listening to him. What happens if a witness has given false evidence, induced by somebody else? Now, we are including the person, who has induced somebody, liable for punishment. What happens if the person, who has given the false evidence, has been induced by the third party to allege that somebody has induced him or her to give the false evidence? So, there is a problem. In our system, supposing there are two people who are fighting. One person has induced a witness to give false evidence. Now, that person,

who, we are saying is liable for imprisonment or whatever, alleges that there is a third party, his opponent, who has induced the witness to give false evidence.

So, where do we stop? I think this is an important question and, therefore, I mean, in many things, you have to draw the line somewhere. Sir, I am not taking Mr. Jethmalani's side. I don't understand it. I can assure you, but, as I was listening to you, this question arose in my mind. Following that and following the fact that so many interesting and important observations are made, ultimately, the best judge that would decide which is acceptable and which is not acceptable, is really the Government because they have the whole evidence. They can consult others. Is it possible-because we are dealing with two Acts, one was passed in 1872 more than 130 years ago and another was some 30 years ago—that the Home Ministry, under the guidance of our Home Minister, considers all the various suggestions, takes further legal advice on various aspects and puts the amendments to the Act for passage in the next session rather than today? It is 35 years since we accepted this particular thing and I will go by whatever he says because ultimately, he is the authority. He is in the best position to do so. But since the matter is so important and the matter may be with our country for another 100 years or 35 years or 50 years, whether he would consider these suggestions. And on the first specific aspect, I think, there is an issue which requires further consideration. Where do you draw the line?

MR. DEPUTY CHAIRMAN: Shri Premachandran. Just seek pointed clarifications.

SHRI N.K. PREMACHANDRAN: Sir, I am thankful to the hon. Minister for having accepted so many suggestions which have been raised yesterday. I think Mr. Ravi Shankar Prasad had first suggested regarding deletion of Section 265F. And we had also suggested that though our lines are not on record in the reply of the hon. Minister. Sir, I am on clause 2, that is, amendment to Section 195A. Mr. Ram Jethmalani also spoke about it yesterday. It is a question regarding innocent persons and if innocent persons are convicted and sentenced. What is the definition of 'innocent person'? Whether this could be redrafted. I do accept that we do not find any amendments. Even then, I would like to make a suggestion. Suppose a person is convicted and sentenced as a

consequence of such false evidence. It means, the court is finding guilty a person who is innocent. So, what is the definition of 'innocent person' as per the criminal jurisprudence? That is the only clarification which I am seeking. Also regarding the plea-bargaining, our apprehension is, how far it will have an effect in criminal jurisprudence? This apprehension is still there. The minister and the Government are ready to accept most of the suggestions. We are agreeable to passing of the Bill.

MR. DEPUTY CHAIRMAN: Prof. Kurian.

PROF. P.J. KURIAN (Kerala): Sir, I am only worried about a small matter. Sir, even today, it is possible to falsely implicate or drag any body into a court if there are one or two withnesses, especially in private complaints. Now, because of plea-bargaining, I am afraid, the tendency to forcedly implicate people can increase. If somebody implicates someone because of plea-bargaining, there is a possibility of getting something as reward and compensation. People may try to get out of the case by giving the compensation through plea-bargaining. So, I am afraid, will the plea-bargaining provision not increase the possibility of such false implications and forcedly dragging innocent people to the court, especially through private petitions?

MR. DEPUTY CHAIRMAN: Shri Ravi Shankar Prasad.

SHRI RAVI SHANKAR PRASAD (Bihar): Mr. Deputy Chairman, Sir, I am greateful that the hon. Home Minister has accepted my suggestion as that of my other friends with regard to Section 265F. I have a few specific queries from the hon. Home Minister. Sir, while initiating the debate from the Opposition, I had raised certain larger issues of weakening capacity of investigation of the police and the need to modernise them. It is a *sine qua non*. I had also raised an issue of Directorate of Public Prosecutor to effectively insulate the institution of plea-bargaining from any extraneous influences. I am afraid, in the reply, none of those issues have come about. I had also raised a very specific issue as to how an illiterate rural victim is placed in this whole mechanism of plea-bargaining. Because if the case is instituted by the police, then only, under Section 265C, a notice is to go to him in the event of plea-bargaining. What kind of safeguards are available to an illiterate, innocent rural victim for a particular offence, whose offender is seeking to take the benefit of the plea-bargaining? ...*(Interruptions)*...

SHRI N. JOTHI: Sir, I may be given one minute...*(Interruptions)*... This is very important.

MR. DEPUTY CHAIRMAN: No, no. Mr. Jothi, everything, which is discussed in the House, is important. I have already given you a chance.

SHRI RAVI SHANKAR PRASAD: Sir, may I just assist you to assuage the concerns of many of my colleagues about the affidavit part? If clause 265 (d) is seen, if the plea-bargaining does not work out, then the trial commences. Nothing adverse is to be inferred. That is all.

श्री अबू आसिम आज़मी (उत्तर प्रदेश) सर, मेरा एक प्रिविलेज मोशन है, एक पुलिस ऑफिसर ...(व्यवधान)

†[شری ابوعاصم اعظمی: سر، میرا ایک پریویلج موشن ہے، ایک پولیس آفیسر.....]

श्री उपसभापति: नहीं, यह प्रिविलेज मोशन का समय नहीं है ...(व्यवधान)

श्री अबू आसिम आज़मी: सर, यह उसी बात से जुड़ा ...(व्यवधान)

†[شری ابوعاصم اعظمی: سر، یہ اسی بات سے جڑا.....مداخلت.....]

श्री उपसभापति: नहीं, This has nothing to do with it. Please don't club it. *(Interruptions)*...

श्री अबू आसिम आज़मी: अच्छा आप एक सैकिंड मेरी बात सुन लीजिए ...(व्यवधान)

†[شری ابوعاصم اعظمی: اچھا آپ ایک سیکنڈ میری بات سن لیجئے.....مداخلت.....]

श्री उपसभापति: नहीं, नहीं ...(व्यवधान)

श्री अबू आसिम आज़मी: एक मिनट आप सुन तो लीजिए मेरी एक रिक्वेस्ट है कि होम मिनिस्टर साहब के जाने से पहले मेरा यह प्रिविलेज मोशन सुन लिया जाए क्योंकि यह एक बहुत ही संगीन मसला है और मैंने बड़ी मेहनत से इसकी परमिशन आपसे ...(व्यवधान)

†[شری ابوعاصم اعظمی: ایک منٹ آپ تو سن لیجئے۔ میری ایک ریکویسٹ ہے کہ ہوم منسٹر صاحب کے جانے سے پہلے میرا ایک پریویلج موشن سن لیا جائے کیوں کہ یہ ایک بہت ہی سنگین مسئلہ ہے اور میں نے بڑی محنت سے اس کی پرمشن آپ سے.....مداخلت.....]

†Transliteration in Urdu Script.

श्री उपसभापति: देखिए, आपने नोटिस दिया है कि It is under the consideration of the Chairman...*(Interruptions)*...

श्री अबू आसिम आज़मी: नहीं, सर, आज मुझे कहा गया है और मुझे बोलना है। आज मुझे बोलना ही है, चाहे कुछ भी हो जाए या फिर आप इस हाउस से आप मेरा रेज़िग्नेशन ले लीजिए। चाहे आप मुझे हाउस से निकाल दीजिए, लेकिन आज मुझे बोलना है, यह मेरी इज्जत का सवाल है, मेरे साथ बहुत बड़ी इंसल्ट हुई है ...(व्यवधान)

†[شری ابوعاصم اعظمی: نہیں، سر، آج مجھے کہا گیا ہے اور مجھے بولنے ہے۔ آج مجھے بولنا ہی ہے، چاہے کچھ بھی ہو جائے یا پھر آپ اس ہاؤس سے آپ میرا ریزگنیشن لے لیجئے۔ چاہے آپ مجھے اس ہاؤس سے نکال دیجئے، لیکن آج مجھے بولنا ہے، یہ میری عزت کا سوال ہے۔ میرے ساتھ بہت بڑی انسلٹ ہوئی ہے..... داخلہ۔]†

श्री उपसभापति: नहीं नहीं, आप देखिए ...(व्यवधान)

श्री अबू आसिम आज़मी: नहीं, आज मैं हाथ जोड़ कर मिनिस्टर साहब से कहूंगा कि वे मेरी बात सुने बगैर यहां से नहीं जाएं, मैं भी इस सम्मानित हाउस का एक मैम्बर हूं। अपनी बात आपको सुनाने का मुझे हक़ है, आपको इस बात को सुनना ही पड़ेगा। ...(व्यवधान)

†[شری ابوعاصم اعظمی: سر، نہیں آج میں ہاتھ جوڑ کر منسٹر صاحب سے کہوں گا کہ وہ میری بات سنے بغیر وہاں سے نہیں جائیں، میں بھی اس سمانت ہاؤس کا ایک ممبر ہوں۔ اپنی بات آپ کو سنانے کا مجھے حق ہے، آپ کو اس بات کو سننا ہی پڑے گا.....داخلہ.....]†

श्री उपसभापति: देखिए आप, ...(व्यवधान)

श्री अबू आसिम आज़मी: नहीं, प्लीज़। मैंने आपको नोटिस दिया था , आपने मुझे कहा है कि मैं आपको बोलने दूंगा।

شری ابوعاصم اعظمی: نہیں، پلیز۔ میں نے آپ کو نوٹس دیا تھا، آپ نے مجھے کہا ہے کہ میں آپ کو بولنے دوں گا۔

श्री उपसभापति: आज़मी साहब, ...(व्यवधान)

श्री दिग्विजय सिंह (झारखंड) सुन लीजिए ना ये क्या कह रहे हैं।

श्री उपसभापति: आज़मी साहब, देखिए आप सुनिए तो सही ...(व्यवधान)

श्री अबू आसिम आज़मी: अच्छा आप अभी नहीं सुनते हैं तो ठीक है, मगर मैं ...(व्यवधान)

†[شری ابوعاصم اعظمی: اچھا آپ ابھی نہیں سنتے ہیں تو ٹھیک ہے، مگر میں.....داخلہ.....]†

†Transliteration in Urdu Script.

श्री उपसभापति: देखिए, सुनेंगे, लेकिन अभी ...(व्यवधान)

श्री अबू आसिम आज़मी: मेरे ऊपर हमला हुआ है, मेरे सामने एक पुलिस ऑफिसर ...(व्यवधान)

†شری ابوعاصم اعظمی: میرے اوپر حملہ ہوا ہے، میرے سامنے ایک پولیس آفیسر.....مداخلت.....

श्री उपसभापति: इस सब्जेक्ट को इसके बाद लेंगे ...(व्यवधान)

श्री अबू आसिम आज़मी: नहीं मंत्री जी के जाने से पहले मेरा सब्जेक्ट ले लीजिए।

†شری ابوعاصم اعظمی: نہیں منتری کے جانے سے پہلے میرا سبجیکٹ لے لیجئے۔

श्री उपसभापति: नहीं, प्लीज़ आप बैठिए ...(व्यवधान)

श्री अबू आसिम आज़मी: नहीं, आप यह कह दीजिए ...(व्यवधान) आप पहले मुझे आश्वासन दे दीजिए कि मंत्री जी के जाने से पहले मेरा ...(व्यवधान)

†شری ابوعاصم اعظمی: نہیں، آپ یہ کہہ دیجئے.....مداخلت.....آپ پہلے مجھے آشواسن دے دیجئے کہ منتری جی کے جانے سے پہلے میرا.....مداخلت.....

श्री उपसभापति: देखिए, यह सही नहीं है ...(व्यवधान)

श्री अबू आसिम आज़मी: नहीं, यह बिल्कुल सही, आप पहले यह कह दीजिए कि मंत्री जी के जाने से पहले मेरी बात यहां पर सुनी जाएगी, सर, प्लीज़ मेरी यह रिक्वेस्ट है आपसे ...(व्यवधान)

†شری ابوعاصم اعظمی: نہیں، یہ بالکل صحیح، آپ پہلے یہ کہہ دیجئے کہ منتری جی کے جانے سے پہلے میری بات یہاں پر سنی جائے گی، سر، پلیز، میری ایک ریکویسٹ ہے آپ سے.....مداخلت.....

श्री उपसभापति: देखिए, एक मिनट आप बात सुनिए।

श्री शिवराज वी॰ पाटिल: महोदय, मैं उनकी बात सुनने के बाद ही यह हाउस छोड़ कर यहां से जाऊंगा।

श्री अबू आसिम आज़मी: बहुत बहुत धन्यवाद, Thank you very much, Sir.

†شری ابوعاصم اعظمی: سر، بہت بہت دھنیواد، تھینک یو، ویری مچ، سر۔

†Transliteration in Urdu Script.

MR. DEPUTY CHAIRMAN: Mr. N. Jothi Mr. Jothi, please confine yourself to the clarification. We should end somewhere.

SHRI N. JOTHI: Sir, this is the final one. We are facing this problem all over the country. The Home Minister may kindly see clause 4 (1). It says that the statement made by a witness to the police officer, a copy of that statement will be given to the witness who has made the statement free of cost. However, when the same person is making the same statement before the Magistrate, a copy of the statement will not be given to him. It will be given only to the police officer. If you look at clause 5(4), it says, copies of such statements shall be furnished to the police officer referred to in sub-section (1). So, if a witness gives a statement to the police officer, he will get the copy of his statement. If the same witness makes a statement before the Magistrate, he will not get a copy. It is not proper. Let a copy of the statement be given by the police inspector as well as the Magistrate.

SHRI SHIVRAJ V. PATIL: Mr. Jothi was suggesting that this law itself should have a provision which says that the application and the affidavit given to the Magistrate in the case of plea bargaining, should not be treated as a piece of evidence. Mr. Jothi, if I understood you correctly, that is what you wanted to say. Professor Kurian was also trying to say the same thing. What happens if there is an application and affidavit in the record? What kind of importance would be attached to the contents of the affidavit and the application? We are moving an amendment, and we are doing exactly what you have suggested.

SHRI N. JOTHI: Thank you, Sir.

SHRI SHIVRAJ V. PATIL: This was suggested by the Prime Minister himself. I must give credit to him. When this Bill was shown to him, he said: Supposing, the accused person comes and gives an application and affidavit, and the judge does not accept his request for plea bargaining, he would be very easily convicted on the basis of the application and affidavit, not only the application, but also the affidavit. And this will not be correct. So, he suggested that something should be done. We are now introducing in the amending Bill, which will form part of the Criminal Procedure Code, a clause under which the application and the affidavit

†Transliteration in Urdu Script.

shall not be treated as valid pieces of evidence to be relied upon by the judge for coming to a correct conclusion. We have accepted that.

Mr. Jalan has asked what happens to a person who is inducing an inducer to induce the witness to give a false evidence. If a person gives a false statement, in the court of law, implicating some other persons, the Criminal Procedure Code provides that he can be punished. There are provisions in the Criminal procedure Code, and also in the criminal laws, under which such a person, that means a person given a false evidence, can be punished. That is one thing. If someone else was inducing the witness to give a false evidence, what kind of treatment should be given to him was not provided by the existing law. That is why, by having this clause, 2, it is provided that such a person, the inducer, a person threatening the witness to give a false evidence, shall also be punished. And the punishment provided is quite heavy. In the original amending Bill, it was seven years. Now, by again amending this amending provision, we are saying that that punishment shall be equal to the punishment which can be given to the accused person. So, this is also correct. It is made severe. Your question is what happens if that inducer is induced. The inducer is an accused person here, and if any offence is committed by a person, and if that offence is abetted by any other person, he also becomes responsible. That provision already exist in the law. If the inducer is induced. If the inducer can be punished for having committed an offence, any other person abetting him to do it can be punished. So, he becomes an abettor. ...*(Interruptions)*...

DR. BIMAL JALAN: Sir, the question which I have raised is quite clear. ...*(Interruptions)*... The issue is that there is a witness who gives a false evidence.

SHRI SHIVRAJ V. PATIL: Yes.

DR. BIMAL JALAN: Then the witness says, " I gave false evidence, but I was induced by Mr. 'X'. Therefore, Mr. 'X' is liable for punishment." If it is established that he actually induced the witness....

SHRI SHIVRAJ V. PATIL: Both are accused.

DR. BIMAL JALAN: Is that correct, Sir.

SHRI SHIVRAJ V. PATIL: Yes.

DR. BIMAL JALAN: Now, the question is that Mr. 'X' who has been charged with having induced the witness when the case is brought, says that the accused has alleged my inducement because Mr. 'Y' has induced the witness, who gave the false evidence, to implicate him. It is not that Mr. 'Y' has induced Mr. 'X', but Mr. 'Y' has induced the accused, the original accused, to charge Mr. 'X' for having induced him. You see there are three partners. There is the witness. Now, the witness who has given a false evidence is liable for punishment under our law if it is a false evidence and if it is established to be deliberate and intentional. Then the witness said, " I gave false evidence. I gave false evidence because I was induced by Mr. 'X' or Mrs. 'X' or Miss 'X'." When Mr. 'X' or Miss 'X' is charged, then he or she says that the witness has brought me into the picture because Mr. 'Y' has induced to witness to charge him or her, Mr. 'X' or Miss 'X' You follow, Sir.

SHRI SHIVRAJ V. PATIL: Yes, I have followed.

DR. BIMAL JALAN: Sir, this is not unimaginable. ...*(Interruptions)*... But everything is theoretical ...*(Interruptions)*... Let us say there are two gangs. One gang, 'X', has induced the witness to give false evidence. The witness says that he was induced by 'X'. Then you charge 'X'. Then 'X' says, the reason why the witness has a lleged that he induced him or her is because his rival gang 'Y' has induced the witness to implicate him. What would you do then?

SHRI SHIVRAJ V. PATIL: Sir, it is not at all complicated. It is not at all complicated because, if a witness gives false evidence, he is liable to be punished. He can't escape the responsibility. The existing law is there to punish him. What is not available is a provision about someone else inducing him to do it. Suppose 'A', who is a witness, gives false evidence and 'B' induces 'a' to give false evidence. This law says that 'B' can be punished and what punishment can be given is provided. As far as Dr. Jalan's point is concerned, suppose 'B' says that he did not do it, but 'C' did it. It was at the instance of 'C' that 'A' gave false evidence. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is too complicated. ...*(Interruptions)*... Such a situation is very rare. ...*(Interruptions)*...

SHRI N. JOTHI: There is provision under section 109 of the I.P.C. that abetment is an offence. Abetment of an abetment is also an offence.

DR. BIMAL JALAN: No, sir. 'B' says that it was at the instance of 'C' that the original accused has implicated him. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: It is the same.

SHRI N. JOTHI: Abetment of an abetment comes under section 109 of the I.P.C.

SHRI SHIVRAJ V. PATIL: Please let me explain it. Sir, the Criminal Procedure Code is quite comprehensive. It punishes the person who commits the offence. A man may remain behind the curtain and may induce any other person to commit that offence. He can be punished for conspiracy. He can be punished for inducement. Now , this specific provision is relevant to the witnesses who are induced or threatened. There are two things. One is that he is induced with money to give false evidence. Another is that he is threatened to give false evidence. In these cases the person who is inducing or threatening can be punished. If something else is going to occur in such cases, that also will be examined by the court. The court does not simply accept it just because the witness said that he was induced. The statement given by the witness that he was induced is not being accepted by the judge. It is to be established. Even without a person accepting the guilt of having given false evidence. If in the cross-examination and because of the evidence on record, the judge comes to the conclusion that the evidence given by him is false and is not truthful, he can be treated as an untruthful witness and he can be punished. If there is something on record which says that he was induced or threatened to give that evidence by someone else, that someone else can also be punished. If there is a third person involved in this activity, he can also be punished for abetment in these things. This law is very comprehensive and there shall be no difficulty in doing justice.

Sir, Dr. Bimal Jalan and Mr. Jethmalani suggested that I should withdraw this Bill and come back. Unfortunately, the Reports given by the Law Commissions are on the shelves for years together. We have to remove the dust which has been collecting on them for five years, for ten years or for fifteen years. Then there are reports given by the independent Commissions also. The matter has not come before the court so easily. This Bill was introduced in Parliament. This Bill has been before Parliament since 2003. Anybody who wanted to consider this Bill could have considered it in the time available to him. This Bill has not come directly

from the Home Minister's Office to the Parliament. It had gone to the Standing Committee also. The Committee has given its report and that report has also been considered. So it would not be proper to withdraw this Bill at this stage.

DR. BIMAL JALAN: Sir, I want to say one thing just for the record. I did not say that withdraw this Bill. My suggestion was, postpone it. My suggestion was, it should be passed in the next session. If you think that this is the right thing, then it can be passed. It is only for the record. I accept your verdict. (*Interruptions*).

MR. DEPUTY CHAIRMAN: No, After passing this Bill, we will take up Special Mentions and then adjourn the House for lunch.

SHRI SHIVRAJ V. PATIL: What is the definition of 'innocent'? Well the law knows who is an innocent person; who is an accused person and who is a guilty person. Anybody who is not declared guilty, is treated as innocent person, or, after having been convicted, he can still be declared as innocent person.

Prof. Kurian was saying that plea bargaining will be used for earning money. I do not know how it can be done. It is the accused person who has to go to the court. It is not the complainant who is going to the court. It is the accused person who is going to the court and saying that he has committed the offence... (*interruptions*). This kind of apprehension, I think, need not be entertained by us.

Shri Ravi Shankar Prasad was taking about weakening capacity of the police and many other things.

DR. RADHAKANT NAYAK (Orissa): Sir, I want to say one thing. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Why did you wait for so long to seek a clarification? (*Interruptions*). Let him reply. He is on his legs.

DR. RADHAKANT NAYAK: Sir, it is a very important point.

MR. DEPUTY CHAIRMAN: The Minister is on his legs. He has not yielded.

DR. RADHAKANT NAYAK: Sir, I have a very small point.

SHRI SHIVRAJ V. PATIL: Sir, so far as the investigating machinery is concerned, I am one with Shri Prasad that it needs to be strengthened

and it should depend not only on oral evidence but it should also collect circumstantial evidence and it should use technological methods also for collecting evidence. Technological and circumstantial method of collecting evidence would be more reliable than the oral evidence. Sir, last time, when we amended the Criminal Procedure Code, we had created the Directorate of Prosecution. That has already been created. The Criminal Procedure Code provides for it. It has already been done. I don't think... (*Interruptions*).

SHRI RAVI SHANKAR PRASAD: Sir, I want to... (*Interruptions*).

MR. DEPUTY CHAIRMAN: No more questions.

SHRI RAVI SHANKAR PRASAD: Mr. Minister, are you sure about it?

DR. RADHAKANT NAYAK: Sir, I have a small point.

MR. DEPUTY CHAIRMAN: Why didn't you get up when other Members were seeking clarifications?

DR. RADHAKANT NAYAK: Sir, normally, I do not stand up, on minor matters.

SHRI RAVI SHANKAR PRASAD: Sir, it is a very important point. No information was given to the Standing Committee. They did not tell us that the Directorate of Prosecution has been established.

SHRI SHIVRAJ V. PATIL: Why should it be given? It is a public record. It was passed by Parliament. You are expected to know it. What do you mean by saying that it was not given?

SHRI RAVI SHANKAR PRASAD: The Standing Committee has also recommended it.

SHRI SHIVRAJ V. PATIL: You cannot take a plea that you are unaware of that law.

DR. RADHAKANT NAYAK: Sir, the hon. Minister may kindly explain to us the difference between 'inducement' and 'abetment'. I would like to know whether the use of the word 'inducement' here is proper because 'abetment' means with an intention for a crime and 'inducement' can be positively encouraging a person for a good dead. I am having the Oxford Dictionary with me. I am reading it before you to get at its etymology. Giving medicine to a lady at the time of child birth is 'inducement'— an

illustration for its usage given in this Dictionary. Therefore, the very use of the word 'inducement', palpably, is improper.

SHRI SHIVRAJ V. PATIL: The law has to be interpreted in the Court, not in the legislation. And I would simply say that abetment is a legal term used in a law whereas inducement, you can find the meaning of it, in the dictionary.

MR. DEPUTY CHAIRMAN: I shall now put the motion to vote. The question is:

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. Clause 2. There is one amendment (No. 3) by the hon. Minister.

CLAUSE 2

Insertion of new section 195A

THREATENING OR INDUCING ANY PERSON TO GIVE FALSE EVIDENCE

SHRI SHIVRAJ V. PATIL: Sir, I move:

That at page 2, *for* lines 5 to 12, the following be *substituted,* namely:—

"195A. Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of anyone in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extent to seven years, or with fine, or with both;

and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentence in the same manner and to the same extent such innocent person is punished and sentenced."

The question was put and the motion was adopted.

Clause 2, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 3. There is one amendment (No. 4) by the hon. Minister.

CLAUSE 3

Amendment of Section 161

SHRI SHIVRAJ V. PATIL: Sir, I move:

4. That at page 2, lines 15 to 26 be *deleted.*

The question was put and the motion was adopted.

Clause 3 was deleted.

MR. DEPUTY CHAIRMAN: We shall now taken up clause 4. There are two amendments (Nos. 5 and 6) by the hon. Minister.

CLAUSE 4

Amendment of Section 162

SHRI SHIVRAJ V. PATIL: Sir, I move:

(i) That at page 2, lines 27 to 46 be *deleted.*

(ii) That at page 3, lines 1 and 2 be *deleted.*

The questions were put and the motions were adopted.

Clause 4 was deleted.

MR. DEPUTY CHAIRMAN: We shall now take up clause 5. There is one amendment (No. 7) by the hon. Minister.

CLAUSE 5

Insertion of New Section 164A

EVIDENCE OF MATERIAL WITNESSES TO BE RECORDED BY MAGISTRATE IN CERTAIN CASES

SHRI SHIVRAJ V. PATIL: Sir, I move:

(iii) That at page 3, lines 3 to 19 to be *deleted.*

The question was put and the motion was adopted.

Clause 5 was deleted.

Clause 6 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 7. There are three amendments (Nos. 8 to 10) by the hon. Minister.

CLAUSE 7

Insertion of New Chapter XXIA

SHRI SHIVRAJ V. PATIL: Sir, I move:

(iv) That at page 5, lines 7 and 8, the words, brackets and figure "under the Juvenile Justice (Care and Protection of Children) Act, 2000 or" be *deleted.*

(v) That at page 5, line 13, the words, brackets and figure "under the Juvenile Justice (Care and Protection of Children) Act, 2000 or" be *deleted.*

(vi) That at page 5, *after* line 48, the following be *inserted,* namely:

Statements of accused not to be used.

"265L. Notwithstanding anything contained in any law for the time being in force, the statements or facts stated by an accused in an application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.

Non application of the Chapter

"265M. Nothing in this Chapter shall apply to any Juvenile or Child as defined in sub-clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)"

The questions were put and the motions were adopted.

Clause 7, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 8. There are two amendments (Nos. 11 and 12).

CLAUSE 8

Amendment of Section 292

SHRI SHIVRAJ V. PATIL: Sir, I move:

(vii) That at page 6, line 7, *for* the word "Documents" the word "Department" be *substituted*.

(viii) That at page 6, line 15, *for* the word "Documents" the word "Department" be *substituted*.

The questions were put and the motions were adopted.

Clause 8, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 9. There is one amendment (No. 18) by Shrimati Brinda Karat. Are you moving your amendment?

SHRIMATI BRINDA KARAT (West Bengal): Since the hon. Minister has been kind enough to move it as an official amendment, I withdraw my amendment.

Clause 9 was deleted.

Clause 10 was added to the Bill.

MR. DEPUTY CHAIRMAN: We shall now take up clause 11. There is one amendment (No. 13) by the hon. Minister.

CLAUSE 11

Amendment of Section 344

SHRI SHIVRAJ V. PATIL: Sir, I move:

(ix) That at page 6, lines 30 to 32 be *deleted*.

The question was put and the motion was adopted.

Clause 11 was deleted.

MR. DEPUTY CHAIRMAN: We take up Clause 12. There are two amendments (Nos. 14 and 15) by the Minister.

CLAUSE 12

Insertion of new section 344a

SHRI SHIVRAJ V. PATIL: Sir, I move:

(ii) That at page 6, lines 33 to 50 be *deleted.*

(iii) That at page 7, lines 1 to 9 be *deleted.*

The questions were put and the motions were adopted

Clause 12 was deleted.

MR. DEPUTY CHAIRMAN: We take insertion of a New Clause 12A. There is one amendment (No. 16) by the Minister.

NEW CLAUSE 12A

Omission of section 2 of Act 25 of 2005

SHRI SHIVRAJ V. PATIL: Sir, I move:

(iv) That at page 7, *after* line 9, the following be *inserted*, namely:

"12A. Section 25 of the Code of Criminal Procedure (Amendment) Act, 2005 shall be omitted.".

The question was put and the motion was adopted.

New Clause—12A was added to the Bill.

MR. DEPUTY CHAIRMAN: We take up Clause 13. There is one amendment (No. 17) by the Minister.

CLAUSE 13

Amendment of the First Schedule

SHRI SHIVRAJ V. PATIL: Sir, I move:

That at page 7, *for* lines 10 to 18, the following be *substituted*, namely:

"13. In the First Schedule to the Code of Criminal Procedure, under the heading "I.—OFFENCES UNDER THE INDIAN PENAL CODE",—

after the entries relating to section 195, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"195A	Threatening any person to give false evidence.	imprisonment for 7 years, or fine, or both.	Cognizable	Non-bailable	Court by which offence of giving false evidence is triable.
	If innocent person is convicted and sentenced in consequence of false evidence with death, or imprisonment for more than seven years.	The same as for the offence.	Ditto	Ditto	Ditto.",

in the 4th column, in the entry relating to section 196, for the word "Ditto", the word "Non-cognizable" shall be substituted.

The question *was put and the motion was adopted.*

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

MR. DEPUTY CHAIRMAN: We take up Clause 1. There is one amendment (No. 2) by the Minister.

CLAUSE 1

Short Title and commencement

SHRI SHIVRAJ V. PATIL: Sir, I move:—

2. That at page 1, line 5, *for* the figure "2003", the figure "2005" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: We take up Enacting Formula. There is one amendment (No. 1) by the Minister.

ENACTING FORMULA

SHRI SHIVRAJ V. PATIL: Sir, I move:—

That at page 1, line 1, *for* the word "Fifty-fourth", the word "Fifty-sixth" be *substituted.*

The question was put and the motion was adopted.

Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI SHIVRAJ V. PATIL: Sir, I move:—

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

MATTER RAISED WITH PERMISSION

Police misbehaviour against a member of parliament at Bandra-Kurla Police Station in Mumbai

श्री अबू आसिम आजमी (उत्तर प्रदेश): उपसभापति महोदय, आपने मुझे बोलने का मौका दिया, इसके लिए मैं आपका एहसानमंद हूं। मैं अपने होम मिनिस्टर साहब की बड़ी इज्ज़त करता हूं, हालांकि मेरी इनसे पर्सनल जान-पहचान नहीं है, लेकिन मुझे उम्मीद है कि वे आज मेरी बात सुनकर, मेरे साथ जरूर इंसाफ करेंगे। महोदय, जब इसी हाऊस का मेंबर, होम मिनिस्टर बनता है, तो पुलिस के लोग किस तरह से सर-सर कहकर अपनी जुबान घिसा देते हैं, किस तरह से पांच-पांच, दस-दस घंटे उनके लिए खड़े रहते हैं, लेकिन इसी हाऊस का एक मेंबर मुंबई गया और मुंबई जाने के बाद मेरे कुछ वर्कर्स के साथ किसी की तू-तू, मैं-मैं हो गई, तो पुलिस के सामने दीवान बिल्डर्स के एक आदमी ने पिस्तौल खींचकर धमकी दी कि मैं भूनकर रख दूंगा। मैं वहां खड़ा था, जब मेरा सिक्योरिटी वाला थोड़ा आगे बढ़ा, तो उस पुलिस वाले ने अपने साथियों के साथ मिलकर, मेरे सिक्योरिटी वाले आदमी की बंदूक ले ली और धक्का मारकर उसे नीचे फेंक दिया। वह चिल्लाता रहा, उसके जूते और कपड़े वगैरह सब फट गए। मैं अपनी गाड़ी में बैठकर वापस जाना चाहता था, मेरी मर्सिडीज़ कार वहां खड़ी थी, लेकिन मुझे उसमें बैठने नहीं दिया गया, इसके बाद मेरा हाथ पकड़कर, खींच करके पुलिस की वैन में बिठा दिया गया। मेरी चप्पल भी वहीं छूट गई। यह मामला बान्द्रा-कुर्ला कॉम्प्लेक्स, पुलिस स्टेशन का है। एक मामूली सा पुलिस इंस्पेक्टर मेरा हाथ पकड़कर, खींचकर मुझे पुलिस की वैन में बिठाता है और ले जाकर मुझे पुलिस स्टेशन में बिठा देता है। उसके बाद जब मैं वहां बैठा होता हूं, तो दीवान बिल्डर्स के गुंडे अंदर आकर कहते हैं कि हमने चूड़ियां नहीं पहनी हैं, तुम वहां किस तरह से आए? मैंने कहा कि मैं वहां नहीं गया था, हमारे वर्कर्स ने पहले ही शनिवार को पुलिस स्टेशन में एक application दे रखी थी, आप देख लीजिए application दी हुई है, इंस्पेक्टर कहता है कि हम कुछ नहीं देखेंगे, आप बैठो इधर। पांच आदमियों को हमने बड़ी मेहनत से वहां बिठाया, तो इंस्पेक्टर ने उन्हें